

UNITED STATES DISTRICT COURT

Western

DISTRICT OF

Virginia

USA

EXHIBIT AND WITNESS LIST

V.

Daley, Miselis, Gillen

Case Number: 3:18CR25

| PRESIDING JUDGE Norman K. Moon | | | | | PLAINTIFF'S ATTORNEY Kavanaugh,Cullen, | DEFENDANT'S ATTORNEY Lorish/Hebllich/Cox/Eustis |
|-----------------------------------|-------------|-----------------|--------|----------|---|--|
| TRIAL DATE (S) 7/19/2019 | | | | | COURT REPORTER Sonia Ferris | COURTROOM DEPUTY H. Wheeler |
| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS* AND WITNESSES | |
| 1 | | 7/19/2019 | X | X | Photo Rise Above Twitter Page | Cappuzzo |
| 2 | | 7/19/2019 | X | X | Photo Rise Above Twitter Page | Cappuzzo |
| 4A | | 7/19/2019 | X | X | Excerpts of text messages from Miselis phone | Cappuzzo |
| 5 | | 7/19/2019 | X | X | Photo from Huntington Beach Rally | Cappuzzo |
| 6 | | 7/19/2019 | X | X | Photo of Benjamin Daley | Cappuzzo |
| 7 | | 7/19/2019 | X | X | Photo from Rise Above Twitter Page | Cappuzzo |
| 8 | | 7/19/2019 | X | X | Rental agreement for Van Rental LA Airport -Daley | Cappuzzo |
| 9 | | 7/19/2019 | X | X | Financial records Daley | Cappuzzo |
| 10 | | 7/19/2019 | X | X | Photo of Defendants in Van | Cappuzzo |
| 11 | | 7/19/2019 | X | X | Photo of Defendants at MLK Park Berkeley | Cappuzzo |
| 12 | | 7/19/2019 | X | X | Photo of Rally at MLK Park | Cappuzzo |
| 13 | | 7/19/2019 | X | X | Photo at Berkeley Rally | Cappuxxo |
| 15 | | 7/19/2019 | X | X | Photo at Berkeley Rally - Daley | Cappuzzo |
| 16 | | 7/19/2019 | X | X | Video Berkeley Riots | Cappuzzo |
| 17 | | 7/19/2019 | X | X | Photo of Daley | Cappuzzo |
| 18 | | 7/19/2019 | X | X | Photo of Gillen assaulting individual | Cappuzzo |
| 19 | | 7/19/2019 | X | X | Chats between Gillen and another individual | Cappuzzo |
| 4B | | 7/19/2019 | X | X | Text message from Miselis to another individual | Cappuzzo |
| 20 | | 7/19/2019 | X | X | Video Berkeley Riots | Cappuzzo |
| 21 | | 7/19/2019 | X | X | Photo of street | Cappuzzo |
| 22 | | 7/19/2019 | X | X | Photo of Daley in street | Cappuzzo |
| 23 | | 7/19/2019 | X | X | Photo of Daley in street kicking | Cappuzzo |

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

EXHIBIT AND WITNESS LIST – CONTINUATION

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| PLF. NO. | DEF. NO. | DATE OFFERED | MARKED | ADMITTED | DESCRIPTION OF EXHIBITS AND WITNESSES |
| 4C | | 7/19/2019 | X | X | Excerpt of text messages of Miselis Cappuzzo |
| 72 | | 7/19/2019 | X | X | Photo of xray of Miselis' hand Cappuzzo |
| 4D | | 7/19/2019 | X | X | Excerpt of text message between Daley and Miselis Cappuzzo |
| 24 | | 7/19/2019 | X | X | Photo of book burning, Daley and Gillen Cappuzzo |
| 25 | | 7/19/2019 | X | X | Photo of Daley at book burning Cappuzzo |
| 26 | | 7/19/2019 | X | X | Photo of Miselis, Daley and Gillen at book burning Cappuzzo |
| 27 | | 7/19/2019 | X | X | Photo of fire pit at book burning Cappuzzo |
| 28 | | 7/19/2019 | X | X | Photo of books at book burning Cappuzzo |
| 4E | | 7/19/2019 | X | X | Excerpt of text messages Miselis and another individual Cappuzzo |
| 4F | | 7/19/2019 | X | X | Excerpt of text between Daley and Miselis Cappuzzo |
| 29 | | 7/19/2019 | X | X | Flight records for Ben Daley 8/11 Cappuzzo |
| 30 | | 7/19/2019 | X | X | Flight records for Miselis Cappuzzo |
| 31 | | 7/19/2019 | X | X | Flight records for Gillen Cappuzzo |
| 32 | | 7/19/2019 | X | X | Flight records for White Cappuzzo |
| 33 | | 7/19/2019 | X | X | Walmart receipt Daley Cappuzzo |
| 4G | | 7/19/2019 | X | X | Excerpt of text messages Miselis and Daley Cappuzzo |
| 34 | | 7/19/2019 | X | X | Walmart receipt Miselis Cappuzzo |
| 35 | | 7/19/2019 | X | X | Photo of torch march at UVA Cappuzzo |
| 36 | | 7/19/2019 | X | X | Photo -close up of 35 Cappuzzo |
| 37 | | 7/19/2019 | X | X | Photo of torch rally base of statue Cappuzzo |
| 38 | | 7/19/2019 | X | X | Video at torch rally Cappuzzo |
| 39 | | 7/19/2019 | X | X | Photo from overhead of rally White, Gillen, Daley Cappuzzo |
| 40 | | 7/19/2019 | X | X | Video at torch rally Cappuzzo |
| 41 | | 7/19/2019 | X | X | Video from go-pro Miselis Cappuzzo |
| 42 | | 7/19/2019 | X | X | Photo Gillen, Daley, Miselis 2nd Street Cappuzzo |
| 43 | | 7/19/2019 | X | X | Video from 2nd Street Cappuzzo |
| 44 | | 7/19/2019 | X | X | Photo of individuals in crowd Cappuzzo |

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| 45 | | 7/19/2019 | X | X | Photo of Daley hitting someone Cappuzzo |
| 49 | | 7/19/2019 | X | X | Photo of Daley Cappuzzo |
| 50 | | 7/19/2019 | X | X | Photo of Miselis in red hat Cappuzzo |
| 51 | | 7/19/2019 | X | X | Photo of Miselis kicking someone on ground Cappuzzo |
| 52 | | 7/19/2019 | X | X | Photo of Miselis kicking Cappuzzo |
| 53 | | 7/19/2019 | X | X | Photo of White head-butting with Daley Cappuzzo |
| 54 | | 7/19/2019 | X | X | Photo of individual Cappuzzo |
| 55 | | 7/19/2019 | X | X | Photo of Daley choking individual Cappuzzo |
| 56 | | 7/19/2019 | X | X | Photo of Daley choking female Cappuzzo |
| 57 | | 7/19/2019 | X | X | Photo of woman on ground Cappuzzo |
| 58 | | 7/19/2019 | X | X | Video from National Geographic Cappuzzo |
| 59 | | 7/19/2019 | X | X | Photo showing Miselis hitting woman Cappuzzo |
| 60 | | 7/19/2019 | X | X | Video showing aftermath of 2nd street altercation Cappuzzo |
| 61 | | 7/19/2019 | X | X | Excerpt of text by Gillen 8/12/2017 Cappuzzo |
| 67 | | 7/19/2019 | X | X | Photo of Miselis Cappuzzo |
| 62 | | 7/19/2019 | X | X | Video from Miselis go-pro 8/12/17 Cappuzzo |
| 63 | | 7/19/2019 | X | X | Video from Miselis go-pro 8/12/17 Cappuzzo |
| 68 | | 7/19/2019 | X | X | Photo of Daley Cappuzzo |
| 69 | | 7/19/2019 | X | X | Photo of Daley making throat slashing motion Cappuzzo |
| 64 | | 7/19/2019 | X | X | Video Miselis hitting Cappuzzo |
| 65 | | 7/19/2019 | X | X | Photo of Miselis hitting Cappuzzo |
| 66 | | 7/19/2019 | X | X | Photo of Miselis hitting individual Cappuzzo |
| 4J | | 7/19/2019 | X | X | Excerpt of text messages Daley and Miselis Cappuzzo |
| 91 | | 7/19/2019 | X | X | Photo of defendants in Park Cappuzzo |
| 52 | | 7/19/2019 | X | X | Photo Miselis kicking victim Cappuzzo |
| 56 | | 7/19/2019 | X | X | Photo of Daley choking victim Cappuzzo |
| 4i | | 7/19/2019 | X | X | Excerpt of text between Daley and Miselis 8/16/17 Cappuzzo |

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| 70 | | 7/19/2019 | X | X | Excerpt of Testimony Cappuzzo |
| 71 | | 7/19/2019 | X | X | Photo of Daley at bar Cappuzzo |
| 93 | | 7/19/2019 | X | X | Statement of Offense Thomas Gillen Cappuzzo |
| 94 | | 7/19/2019 | X | X | Statement of Offense Michael Miselis Cappuzzo |
| 95 | | 7/19/2019 | X | X | Statement of Offense Benjamin Daley Cappuzzo |
| 73 | | 7/19/2019 | X | X | Photo from Miselis' phone Meyer |
| 85 | | 7/19/2019 | X | X | Photo of Gillen from Miselis's phone Meyer |
| 86 | | 7/19/2019 | X | X | Photo Gillen shooting rifle from Miselis's phone Meyer |
| 47 | | 7/19/2019 | X | X | Series of images 8/12 riot from Ben Daley's Iphone Meyer |
| 48 | | 7/19/2019 | X | X | Daley assaulting victim from Daley's phone Meyer |
| 75 | | 7/19/2019 | X | X | Photo of banner from Daley's phone Meyer |
| 76 | | 7/19/2019 | X | X | Photo of banner from Daley's phone Meyer |
| 77 | | 7/19/2019 | X | X | Photo of victim from Daley's phone Meyer |
| 79 | | 7/19/2019 | X | X | Excerpt of text message Daley and family member Meyer |
| 80 | | 7/19/2019 | X | X | Text message from Daley's laptop Meyer |
| 81 | | 7/19/2019 | X | X | Photo of sign from Gillen phone Meyer |
| 82 | | 7/19/2019 | X | X | Photo of Gillen with sign from Gillen phone Meyer |
| 83 | | 7/19/2019 | X | X | Photo of Gillen KKK from Gillen phone Meyer |
| 84 | | 7/19/2019 | X | X | Photo of Gillen holding assault rifle from Gillen phone Meyer |
| 87 | | 7/19/2019 | X | X | Video clip of defendants firing assault rifles Meyer |
| 89 | | 7/19/2019 | X | X | Video of defendants firing assault rifles Meyer |
| 90 | | 7/19/2019 | X | X | Video of defendants firing assault rifles out of vehicles Meyer |
| | 1 | 7/19/2019 | X | X | Video from National Geographic |
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